

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERGIO AVILA,

Civil Action No.:

Plaintiff,

-against-

NOTICE OF REMOVAL

TARGET CORPORATION d/b/a TARGET
STORES,

New York County, Supreme
Court Index No.:
156886/2020

Defendant.

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK:

Defendant, TARGET CORPORATION s/h/a TARGET CORPORATION
d/b/a TARGET STORES ("Target"), by its attorneys, SIMMONS
JANNACE DELUCA, LLP, upon information and belief, respectfully
petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On or about August 28, 2020, the above-captioned civil
action was commenced and is now pending in the Supreme Court of
the State of New York, County of New York, bearing Index Number
156886/2020. A trial has not yet been had therein. A copy of the
Summons and Verified Complaint is annexed hereto as **EXHIBIT "A"**.
On or about October 15, 2020, Target served its Verified Answer,
a copy of which is annexed hereto as **EXHIBIT "B"**.

2. The action seeks monetary damages for personal
injuries allegedly suffered by Plaintiff, SERGIO AVILA as a
result of a claimed slip and fall inside a Target store located

in Central Islip, New York. The Plaintiff's Verified Complaint sounds in negligence.

3. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; and (b) Target is now, and was at the time the action was commenced, a corporation incorporated in the State of Minnesota, with its principal place of business in the State of Minnesota.

4. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Target and Plaintiff. In addition, the amount in controversy exceeds \$75,000.

5. On or about January 11, 2021, plaintiff served a Response to Combined Demands confirming, for the first time, that the amount in controversy exceeds \$75,000. A copy of Plaintiff's response, *sans attachments*, is annexed hereto as **EXHIBIT "C"**. Accordingly, this Notice of Removal is being timely filed within thirty (30) days after Plaintiff's confirmation that the amount in controversy exceeds \$75,000.

6. Written notice of the filing of this Notice of Removal will be given to Plaintiff promptly after the filing of this Notice.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the

State of New York, County of New York promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, Defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of New York, be removed therefrom to this Court.

Dated: Hauppauge, New York
January 26, 2021

SIMMONS JANNACE DELUCA, LLP

BY: 

MICHAEL C. LAMENDOLA

Attorneys for Defendant
TARGET CORPORATION s/h/a TARGET
CORPORATION d/b/a TARGET STORES
Office & P.O. Address:
43 Corporate Drive
Hauppauge, New York 11788-2048
(631) 873-4888

TO: SILER & INGBER, LLP
Attorneys for Plaintiff
SERGIO AVILA
Office & P.O. Address:
301 Mineola Boulevard
Mineola, New York 11501
(516) 294-2666